

REMARKS/ARGUMENTS

The Examiner has not considered the references in the specification due to an improper information disclosure statement.

The Examiner has rejected claims 12 and 17 of this Application under 35 U.S.C. § 112 as being indefinite.

The Examiner has rejected claims 14-17, and 20 of this Application under 35 U.S.C. § 101 for being directed to non-statutory subject matter.

The Examiner has rejected claims 1-20 of this Application under 35 U.S.C. § 102 as being anticipated by Eduardo Pelegri-Llopert, ed., "JavaServer Pages™ Specification," Version 1.2, August 27, 2001, Sun Microsystems, Inc. (hereinafter "Sun2001").

Claims 1, 14, and 19 have been amended.

All amendments are fully supported by the specification and no new matter has been added.

Reconsideration and allowance in view of the amendments and remarks is respectfully requested.

Improper Information Disclosure Statement

The first issue in this case pertains to the listing of a reference in the specification. The listing in the specification is a textbook describing general background material on a well known language, UML, and is not in the opinion of the inventors material to patentability of the invention set forth in the claims of this application.

Rejection under 35 U.S.C. § 112

The second issue in this case is whether claims 12 and 17 are indefinite under 35 U.S.C. § 112. The Examiner rejected these claims on ground that VBA, JAVA, and JAVASCRIPT are trademark names "used as a limitation to identify or describe a particular material or product." Applicants disagree since Applicants are not using VBA, JAVA, and

JAVASCRIPT as trademarks to identify or describe a particular material or product. Rather, Applicants are using VBA, JAVA, and JAVASCRIPT to refer to particular programming languages, which are well-known by those skilled in the art. That the limitations VBA, JAVA, and JAVASCRIPT are listed among other programming languages well-known by those skilled in the art (HTML, C++, C, XML, and WML) further supports Applicant's argument. VBA, JAVA, and JAVASCRIPT may coincidentally be trademarks or trade names, but they are not being used in the claims as such. Thus, because VBA, JAVA, and JAVASCRIPT are not used as trademarks to identify or describe a particular produce or material, claims 12 and 17 are allowable under 35 U.S.C. § 112.

Applicants respectfully submit that this rejection has been overcome.

Rejection under 35 U.S.C. § 101

The third issue in this case is whether claims 14-17 and 20 are directed to non-statutory subject matter pursuant to 35 U.S.C. § 101. Claim 14 has been amended to recite the following:

“An article of manufacture comprising a computer-readable medium storing computer-readable program code for causing a processor to perform operations comprising:”

(Claim 14) (Emphasis added).

Claim 14 is now directed at a computer-readable medium, which is statutory subject matter. Claims 15-17 depend on claim 14 and are likewise includes the computer-readable medium limitation amendment. Therefore, claims 14-17 are allowable for the reasons stated.

The Examiner rejected claim 20 as non-statutory subject matter based on setting forth functional descriptive material *per se*. Applicants do not agree with the Examiner's characterization of claim 20's language. Claim 20 states in part:

“A computer system for providing a library adapted to be instantiated into a runtime object, the computer system comprising:”

(Claim 20) (Emphasis added).

The MPEP clearly states:

“Computer programs are often recited as part of a claim. Office personnel should determine whether the computer program is being claimed as part of an otherwise statutory manufacture or machine. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. The same result occurs when a computer executes the instructions set forth in the computer program. Only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material per se and hence nonstatutory”

(MPEP § 2106, pg. 2100-11) (Emphasis added).

As the Examiner mentioned, claim 20 indeed recites a “computer system.” A “computer system” is a statutory manufacture or machine. As a result, “the claim remains statutory irrespective of the fact that a computer program is included in the claim.” Hence, claim 20 is correctly directed to statutory subject matter.

Moreover, claim 20 is not “directed to a mere program listing,” nor is it directed to “only its description or expression,” because the claim recites a “computer system.”

Since claim 20 recites a “computer system,” a statutory manufacture or machine, and is not “directed to a mere program listing,” it is allowable as statutory subject matter under 35 U.S.C. § 101.

Applicants respectfully submit that this rejection has been overcome.

#### Rejection under 35 U.S.C. § 102(b) based on Sun2001

The fourth issue in this case is whether claims 1-20 are anticipated by Sun2001 under 35 U.S.C. § 102(a). Applicants contend that claims 1-20 are not anticipated by Sun2001.

Claim 1 provides:

“A method for providing a library that is adapted to be instantiated into a runtime object, the method comprising:

providing a template that corresponds to the structure of the runtime object with element placeholders for elements and with attribute placeholders for attributes; and

providing classes that form the library, wherein the classes correspond to the elements and the classes have replacement instructions for the placeholders, with the replacement instructions activated upon instantiating into the runtime object."

(Claim 1) (Emphasis added).

The sections in Sun2001 that the Examiner has cited to for the limitation "providing a template that corresponds to the structure of the runtime object with element placeholders for elements and with attribute placeholders for attributes" discloses templates, template data, and attributes. Nevertheless, Sun2001 does not disclose "a template that corresponds to the structure of the runtime object with element placeholders for elements and with attribute placeholders for attributes." Sun2001 does not disclose a runtime object and, consequently, does not disclose a template that corresponds to the structure of a runtime object.

The Examiner's reference in Sun2001 for the limitation "providing classes that form the library, wherein the classes correspond to the elements and the classes have replacement instructions for the placeholders, with the replacement instructions activated upon instantiating into the runtime object" does not disclose the limitation. Instead, Sun2001 discloses tag libraries which are described as the following:

"The tag library facility includes portable run-time support, a validation mechanism, and authoring tool support . . . A Tag Library abstracts functionality used by a JSP page by defining a specialized (sub)language that enables a more natural use of that functionality within JPS pages."

(Sun2001, pg. 97).

Additionally, Sun2001 discloses:

"A tag library is a collection of actions that encapsulates some functionality to be used from within a JSP page."

(Sun2001, pg. 102).

Clearly, Sun2001 does not disclose the limitations that the “classes correspond to the elements,” that the “classes have replacement instructions for the placeholders,” nor that “the replacement instructions activated upon instantiating into the runtime object.”

Since Sun2001 does not disclose the limitations noted above and the Examiner has not explicitly provided so, claim 1 is not anticipated by Sun2001 and thus is allowable under 35 U.S.C. § 102(a). Claims 2-13 depend on claim 1 and includes all the limitations in claim 1 and additional limitations. Therefore, claims 2-13 are allowable for at least the same or similar reasons.

Claim 14 recites:

“An article of manufacture comprising a computer-readable medium storing computer-readable program code for causing a processor to perform operations comprising:

providing a runtime object having elements and attributes, with each element having associated one of the attributes;

pre-assembling the runtime object using classes in a library, wherein the classes correspond to the elements, the classes include replacement instructions for attribute placeholders, and the classes are based on a template that corresponds to a structure of the runtime object, with the template including element placeholders for the elements and attribute placeholders for the attributes;

identifying data for the attributes associated with each of the elements; and

instantiating the classes by activating the replacement instructions to replace the attribute placeholders with the data.”

(Claim 14) (Emphasis added).

Claim 14 has the same or similar limitations as claim 1. The Examiner has pointed to the same citations in support of his rejection of these limitations. Hence, claim 14 is allowable for at least same or similar reasons as stated for claim 1. Claims 15-17 depend on claim 14 and includes all the limitations in claim 14 and additional limitations. Thus, claims 15-17 are allowable for at least the same or similar reasons.

Claim 18 provides:

“A computer program stored on a computer-readable medium and comprising processor instructions for providing a library adapted to be instantiated into a runtime object, the processor instructions comprising:

first instructions for providing a template that corresponds to a structure of the runtime object with element placeholders for elements and with attribute placeholders for attributes; and

second instructions for providing classes that form the library, wherein the classes correspond to the elements and the classes have replacement instructions for the placeholders that are activated upon instantiating into the runtime object."

(Claim 18) (Emphasis added).

Claim 18 has the same or similar limitations as claim 1. The Examiner has pointed to the same citations in support of his rejection of these limitations. Hence, claim 18 is allowable for at least same or similar reasons as stated for claim 1. Claim 19 depends on claim 18 and includes all the limitations in claim 18 and additional limitations. Thus, claim 19 is allowable for at least the same or similar reasons.

Claim 20 states:

"A computer system for providing a library adapted to be instantiated into a runtime object, the computer system comprising:

means for providing a template that corresponds to a structure of the runtime object with element placeholders for elements and with attribute placeholders for attributes; and

means for providing classes that form the library, wherein the classes correspond to the elements and the classes have replacement instructions for the placeholders that are activated upon instantiating into the runtime object."

(Claim 20) (Emphasis added).

Claim 20 has the same or similar limitations as claim 1. The Examiner has pointed to the same citations in support of his rejection of these limitations. Hence, claim 20 is allowable for at least same or similar reasons as stated for claim 1.

Applicants respectfully submit that this rejection has been overcome.

## CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 408-244-6319.

Respectfully submitted,



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